

MEDICAL RECORDS AFFIDAVIT

STATE OF MARYLAND
COUNTY OF MONTGOMERY

PERSONALLY APPEARED BEFORE ME, the undersigned DUY T. NGUYEN in and for the aforesaid jurisdiction, Records Custodian for U. S. Department of Defense, upon his/her oath, stated that (1) he/she has first hand knowledge of the maintenance and/or storage of the attached records; (2) the attached records are a true and correct copy of the medical records that were kept in the regular course of the examination of Lee D. Smith; and (3) the records were generated in the regular course of medical examiner business, pursuant to the regular activities of the U. S. Department of Defense.

I certify the above declaration is true and correct under penalty of perjury.

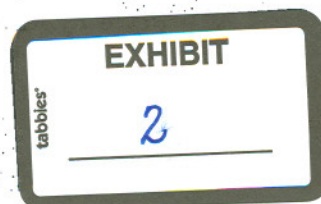
Duy T. Nguyen
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME, this the 11th day of DECEMBER, 2008.

Kyle Reedy
Notary Public

My Commission Expires:

KYLE REEDY
NOTARY PUBLIC
MONTGOMERY COUNTY, MD
MY COMMISSION EXPIRES 2/12/2012





REPLY TO
ATTENTION OF

DEPARTMENT OF DEFENSE
ARMED FORCES INSTITUTE OF PATHOLOGY
WASHINGTON, DC 20306-6000

09 June 2008



Office of the Armed Forces
Medical Examiner

3077751 01

Smith, Lee D.
587-51-6656

Department of Justice
Criminal Section - PHB
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

DTN/erf
06/06/2008

CONSULTATION REPORT ON CONTRIBUTOR MATERIAL
MLA07-00005

1. Material reviewed: A CD-RW disc labeled "DJ# 144-41-3530 in re Lee Smith MBI photos"; a CD-RW disc labeled "DJ#144-41-3530 (in re Smith) Photos taken at second autopsy by Dr. Matthias Okoye on 1/8/07 372 photos"; copies of the autopsy report (MLA07-00005) from Nebraska Forensic Medical Services, PC by Dr. Matthias Okoye; copies of the medical records from the Emergency Department of Garden Park Medical Center, Gulfport, MS; and fourteen (14) histology slides labeled "Smith, L".

2. Submitted Cause and Manner of Death:

First autopsy: massive recent pulmonary embolism; natural.

Second autopsy: asphyxia due to neck compression and physical restraint while in police custody; homicide.

Conclusion: We initially reviewed this case and published our opinion in a report dated 11 March 2008 addressed to the Department of Justice. In that report, we stated the cause of death was most likely due to pulmonary embolism as stated in the first autopsy performed by Cr. McGarry on 16 December 2006. We also stated the lack of histology evidence and unavailability of

SMITH, Lee D.

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the photograph taken at the second autopsy at the time of our initial review precluded a definitive assessment. The Department of Justice then provided our office with the requested photograph and histology slides for this review.

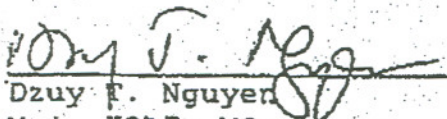
Based on the histology slides, there are conclusive evidence of antemortem pulmonary thromboembolism and deep venous thrombosis correlated with the terminal events leading to Mr. Smith's death.

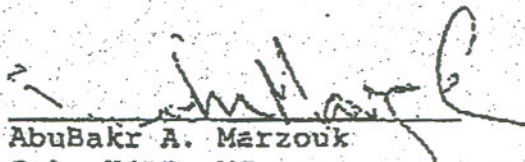
Based on the photograph taken at the second autopsy, there was no discernable evidence of the described hemorrhages of the mucosal surfaces of the larynx and trachea. The photograph of the forehead showed a scar. The described injuries of the extremities were most likely due to postmortem handling of the body. The toxicology analysis of the second autopsy showed liver ethanol present most likely due to decomposition change of the body. The amitriptyline (antidepressant medication) presented in the liver indicated the decedent was taken the medication.

Thank you for referring this case to our review. If there is additional information available, we would appreciate the opportunity to review the case and offer an opinion if necessary.

We may be reached at (301) 319-0000 for any question or concern.

Report by:


Dzuy F. Nguyen
Maj, USAF, MC
Associate Medical Examiner


AbuBakr A. Marzouk
Col, USAF, MC
Deputy Medical Examiner